IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.673 OF 2007
WITH
CIVIL APPLICATION NO.730 OF 2007

Abdul Latif Manjur Ahemad .. Appellant.
Vs.
Kulsubmi w/o Munshi Moh.
Salim through LRs.
1. Sabra Khatun Bint
Munshi Moh. Saban & Ors. .. Respondents.

Mr.M.M.Sathaye for the appellant.
Mr.N.R.Bubna for respondent nos.1 to 3.

CORAM : D.B.BHOSALE, J.
DATED : 12TH SEPTEMBER, 2007.

P.C.:

. Heard learned counsel for the parties.

2. Mr.Sathaye, learned counsel for the appellant submits that he has instructions not to press this appeal and prayed for two years time to vacate the suit premises. He made such prayer on instructions from his client, who is present in the court. Mr.Bubna, learned counsel for respondent nos.1 to 3 opposed the prayer for two years time to vacate the suit premises and fairly left it to the court. Considering the overall facts and circumstances of the case and the relationship between the parties, in my opinion, one year's time will be sufficient to vacate the suit premises. In the circumstances I pass the following order:

. The decree under execution shall not be executed for a period of one year commencing from 1st September, 2007 to 31st August, 2008 subject to the appellant and all the adult members in the family, who are in occupation of the premises file usual undertaking in this court within a period of four weeks from today failing which it will be open for the respondent-decree holder to execute the decree. It is needless to express that the learned counsel for the appellant shall furnish a copy of the undertaking to the advocate for the respondents. The second appeal is disposed of. Consequently, the civil application is disposed of.

(D.B.BHOSALE, J.)